

Congress of the United States

Washington, DC 20510

February 1, 2019

The Honorable Patrick Shanahan
Acting Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

The Honorable Richard V. Spencer
Secretary of the Navy
1000 Navy Pentagon
Washington, DC 20350-1000

Dear Acting Secretary Shanahan and Secretary Spencer:

We are writing in regard to Chief Petty Officer (CPO) Shannon Kent, a chief cryptologic technician in the United States Navy, who was recently killed in action while deployed in Syria on January 16, 2019.

Prior to her deployment, was selected to attend a Clinical Ph.D. program at the Uniformed Services University of the Health Sciences (USUHS) and applied to be a commissioned officer in the U.S. Navy. However, the U.S. Navy disqualified her from seeking a commission because she had been diagnosed with thyroid cancer, despite the fact that the tumor had been removed, had not required chemotherapy, and was still considered deployable worldwide as an enlisted service member. The U.S. Navy justified this administrative action under Department of Defense Instruction 6130.03, "Medical Standards for Appointment, Enlistment, or Induction into the Military Services," which requires an enlisted service member seeking to become a commissioned officer to qualify under initial accession standards, rather than retention standards.

On August 17, 2018, Representative Walter Jones wrote to Secretary Spencer asking that the Department of Defense revise Instruction 6130.03 to allow an enlisted service member to qualify for a commission under retention standards rather than accession standards. In Secretary Spencer's response dated September 20, 2018, he stated that while it is not in the Navy's purview to modify Instruction 6130.03, the Navy is authorized to issue waivers under the Manual of the Medical Department (MANMED) 15-31, and that the Bureau of Medicine and Surgery (BUMED) and Navy Personnel Command are working to establish "a clear mechanism for appeal of waiver decisions and standardizing the waiver process."

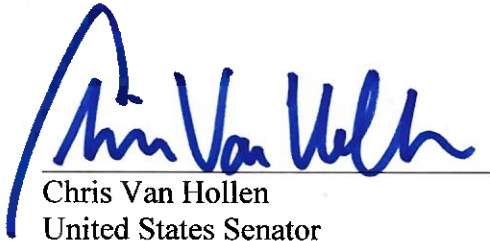
To our knowledge, the status of her waiver application was unresolved at the time of her death in Syria. When servicemembers like CPO Kent seek to continue their service but require a waiver to do so, providing efficient and thoughtful consideration of their requests is essential. We ask that Secretary Spencer provide an update on the status of Navy's efforts to revise regulations to establish "a clear mechanism for appeal of waiver decisions and standardizing the waiver process." Additionally, we request an update on the progression of CPO Kent's specific waiver application.

We also ask the Department of Defense to provide for a briefing on how the Department of Defense delineates between servicemembers who meet retention/deployment standards versus those who meet accessions standards. We recognize the importance in this distinction, as it allows some servicemembers with medical challenges to remain in uniform and continue adding value to our


military even though they would not be qualified to join as a new recruit. In a case like CPO Kent's, though, it is difficult to understand why the Department would require a long, drawn-out waiver process when she was cancer-free and in remission. If CPO Kent was fit to deploy to a war zone, we believe she was fit to serve her country as a clinical psychologist.

We hope that by examining these regulations, DOD can better employ talent management practices that allow service members to pursue professional opportunities within military service.


Sincerely,



Chris Van Hollen
United States Senator




Charles E. Schumer
United States Senator




Benjamin L. Cardin
United States Senator




Kirsten Gillibrand
United States Senator



Walter B. Jones
Member of Congress



C.A. Dutch Ruppersberger
Member of Congress



Anthony G. Brown
Member of Congress